

Notice of Allowability

Application No.

10/006,687

Examiner

Yubin Hung

Applicant(s)

HARVILLE, MICHAEL

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed February 07, 2005.
2. ☒ The allowed claim(s) is/are 1-45.
3. ☒ The drawings filed on 10 December 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

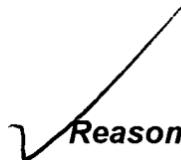
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Response to Amendment/Arguments

1. This action is in response to amendment filed on February 7, 2005.
2. In view of applicant's amendment, the objection to the Oath/Declaration has been withdrawn.
3. Applicant's argument, see pp. 2-3, especially lines 1-20 of page 3, of the amendment filed February 7, 2005, with respect to claim 1 (and similarly claims 25 and 45) has been fully considered and is persuasive. The rejections of claims 1, 25, 45 and their respective dependent claims have been withdrawn.

 ***Reason for Allowance***

4. The following is an examiner's statement of reasons for allowance:
5. Regarding claim 1, and similarly claims 25 and 45, closest art of record Grimson et al. ("Using Adaptive Tracking to Classify and Monitor Activities in a Site," *Proceedings of IEEE Conference on Computer Vision and Pattern Recognition*, 23-25 June 1998, pp. 22-29) discloses
 - maintaining one or more pixel-level historical models of spatially local pixel observations
 - segmenting pixels into two or more labeled groups based at least in part upon comparison of pixel-level video input with the one or more pixel-level historical models

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- updating the one or more pixel-level historical models based at least in part upon one or more feedback maps identifying pixels respectively segmented into the one or more labeled groups

Bhat et al. ("Motion Detection and Segmentation Using Image Mosaics," *IEEE International Conference on Multimedia and Expo*, Vol. 3, 30 July – 2 Aug. 2000, pp. 1577-1580) also discloses segmenting pixels into labeled groups (foreground and background) based on the comparison of each input pixel value and a historical model and further discloses a feedback mechanism for adjusting the sensitivity parameters of foreground pixel detection (i.e., segmentation). However, the feedback is not used to update the historical model and no spatially non-local segmentation model is used for the purpose of adjusting the sensitivity parameters.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact Information


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yubin Hung whose telephone number is (571) 272-7451. The examiner can normally be reached on 7:30 - 4:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Yubin Hung
Patent Examiner
July 22, 2005



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